

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSCAR GARCIA,
Plaintiff,

v.

JIELAN PAN LU, 158 WILLOW ST LLC, 74
OAK ST LLC, XIAOCUN LU, also known as
George Lu, and 897 NEPPERHAN PROPERTY
LLC,
Defendants.
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ORDER

21 CV 8221 (VB)

On August 31, 2022, plaintiff Oscar Garcia in this Fair Labor Standards Act case filed a settlement agreement (Doc. #35-1) and a statement explaining the basis for the agreement as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

The Court has reviewed plaintiff's submission and declines, at this time, to approve the proposed settlement agreement.

Section 3 of the proposed settlement agreement is a mutual general release provision, pursuant to which plaintiff agrees to release all known and unknown claims against defendants and a broad range of persons and entities related to or affiliated with defendants; and defendants, in turn, agree to release all known and unknown claims against plaintiff.

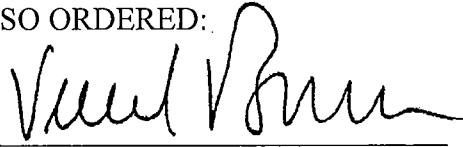
The scope of the release, although it is mutual, far exceeds claims that have any relationship with the subject matter of this action or of the employment relationship between plaintiff and defendants. "In FLSA cases, courts in this District routinely reject release provisions that waive practically any possible claim against the defendants, including unknown claims and claims that have no relationship whatsoever to wage-and-hour issues." Chevalier v. Staffpro, Inc., 2021 WL 949749, at *1 (S.D.N.Y. Mar. 12, 2021). As currently drafted, Section 3 is "too sweeping to be fair and reasonable and so must be rejected." Id.

Accordingly, by September 15, 2022, the parties may file a revised proposed settlement agreement, signed by all parties, and a revised statement explaining the basis for the settlement agreement that revises Section 3 or explains why the general release provision is fair and reasonable to plaintiff.

For the benefit of counsel, the Court, at least tentatively, is inclined otherwise to approve the settlement.

Dated: September 1, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge